

SP

Notice of Allowability

Application No.

10/692,864

Examiner

Sara Addisu

Applicant(s)

EDLER, DANIEL

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/7/05.
2. ☒ The allowed claim(s) is/are 2-4 and 8-14.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

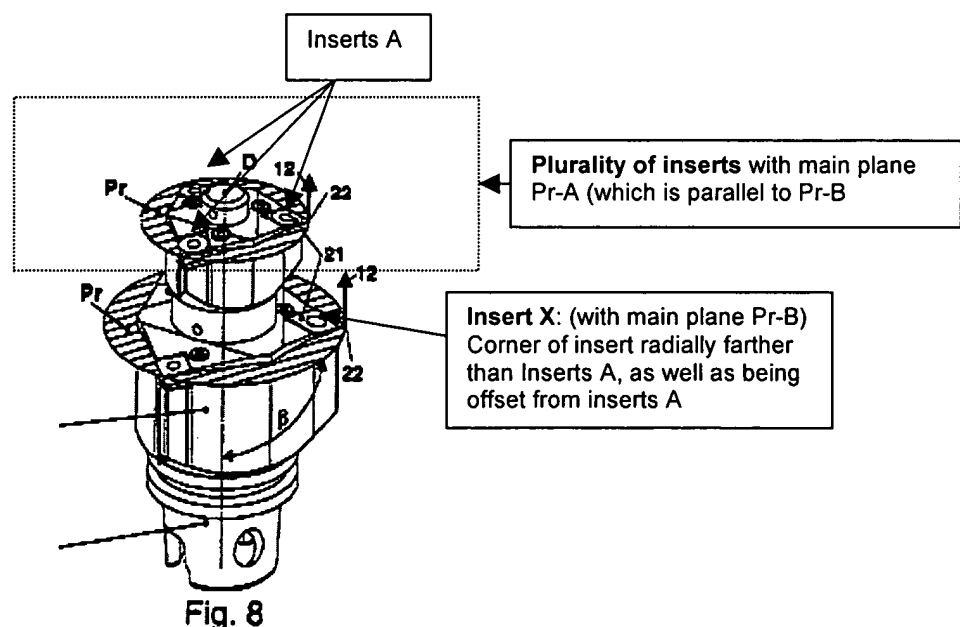
Claims 2-5 and 8-14 are allowed.

The closest prior art to the instant invention is figure 8 of Maier (U.S. Patent No. 6,715,386).

Maier teaches an indexible machining apparatus (based on embodiment of figure 8) having a tool body including a tool head (holder) (19) that projects from a receptacle of tool slide (securing portion) (13). Maier also teaches replaceable cutting inserts (21) secured within pockets of the tool head (19), and a tool head (19) having rotary axis (indexing axis) (D), which helps bring one of the inserts into an operative cutting position. Furthermore, Maier teaches plurality of cutting inserts (see diagram below) arranged in such a way that the inserts have a main plane [plane that coincides with bottom surface of the inserts and is parallel to the plane (Pr)] (note, Pr is the plane of the cutting corner (22) of the inserts) that is oriented laterally relative to the indexing axis (D). The Examiner identifies this plane (not shown in diagrams) as Pr-A. Maier teaches one insert (indicated as "insert X" below) that is offset from the plurality of inserts (inserts A) along the holder's center axis (D) in a direction toward the receptacle (securing portion) of the tool. The radial spacing of Insert X from the holder's center axis is different from the plurality of inserts (inserts A). A reference plane oriented (Pr-B) perpendicularly to the indexing axis and passing through the radially outermost corner of the one insert X is spaced axially from the radial outermost corner of at least one

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other insert (inserts A). Additionally, "insert X", will have its main plane (Examiner is calling it Pr-B) oriented laterally relative to the holder's center axis. Pr- A and Pr-B of the inserts are configured differently from one another. Furthermore, regarding claim 12, Maier teaches a tool that is indexible relative to the holder (by rotating around axis D) to bring different indexible inserts (i.e. inserts A and X) into use (Col. 3, lines 2-4). Each of the inserts (21) have a plurality of corners including a radially outermost corner (of insert X) spaced radially farther from the indexing axis (D) axis than the other corners of the insert (i.e. corners of inserts A). Regarding claim 14, Maier teaches in Figure 4, axis D coinciding with the longitudinal center axis (Y) of the securing portion.



However, regarding independent Claims 2 and 4, there is no suggestion in Maier's teaching to provide the main plane of the at least one insert that forms an acute angle with a perpendicular reference plane oriented perpendicularly to the holder's center axis, wherein the angle lies in a plane oriented generally tangentially relative to a radius of the holder (claim 2) nor the angle lying in a plane containing the holder's center axis (claim 4). {Note: On the Final rejection mailed out 1/26/05, the rejections of claims 2-5 (document date 4/26/05) were withdrawn since the rejection was simply supported by figures that are not to scale and in addition Maier's does not explicitly disclose the claimed subject matters in the body of the patent}. Regarding independent Claim 9, there is no suggestion in Maier's teaching to provide the main plane of at least one of the inserts to be oriented substantially parallel to the holder's center axis. Regarding independent Claim 10, in order to meet the first 10 lines of claim 10, one must compare one of the axially forward inserts with one of the axially rearward inserts. In order to meet the last two lines of claim 10, one has two choices. First, two inserts could be removed from the axially rearward plane AND one insert could be removed from the axially forward plane. For the second choice, one insert could be removed from the axially rearward plane AND two inserts could be from the axially forward plane. In either one of these situations, there is now no remaining reason whatsoever for the inserts to be axially spaced. They could all simply exist on one common plane. Placing the three such remaining inserts on the same plane would now no longer meet lines 1-10 of claim 10, which require a particular axial spacing. The whole purpose of providing axially spaced planes of inserts is to be able to perform a large number of different

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machining operations. The only reason for one to provide Maier would be hindsight reconstruction in order to reject a patent claim. There is no advantage in doing so.

Conclusion

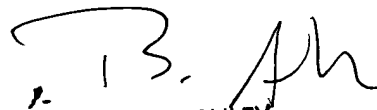
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SA
11/17/05


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PRIMARY EXAMINER